

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ERIC LEON CHRISTIAN,

Plaintiff,

v.

UNITED STATES OF AMERICA et al.,

Defendants.

2:16-cv-00319-MMD-VCF

ORDER

I. DISCUSSION

Plaintiff, who appears to have been a former prisoner in the custody of the Bureau of Prisons, has submitted a document entitled “post dismissal motion for relief for vacated time served.” (ECF No. 1). Plaintiff has not filed a complaint and has not filed an application to proceed *in forma pauperis* or paid the full filing fee for this matter.

Pursuant to Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff thirty (30) days from the date of this order to submit a complaint to this Court. To the extent that Plaintiff’s “post dismissal motion for relief for vacated time served” is intended to be a complaint, the Court directs Plaintiff to file his allegations on this Court’s approved form.

Pursuant to 28 U.S.C. § 1915(a)(1) and Local Rule LSR 1-1, Plaintiff must complete an application to proceed *in forma pauperis* if he is unable to pay the full filing fee in a civil case. As such, the Court directs Plaintiff to file an application to proceed *in forma pauperis* or pay the full filing fee of \$400 within 30 days from the date of this order. The Court shall retain Plaintiff’s “post dismissal motion for relief for vacated time served.”

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1 **II. CONCLUSION**

2 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court SHALL SEND
3 Plaintiff the approved form application to proceed *in forma pauperis* **by a non-prisoner**, as
4 well as the document entitled information and instructions for filing an *in forma pauperis*
5 application.

6 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
7 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis* for non-
8 prisoners; or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee
9 and the \$50 administrative fee).

10 IT IS FURTHER ORDERED that Plaintiff shall submit a complaint to this Court within
11 **thirty (30) days** from the date of this order.

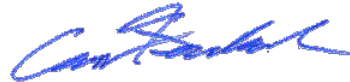
12 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff a copy of
13 his post dismissal motion for relief for vacated time served (ECF No. 1) and the approved form
14 for filing a 42 U.S.C. § 1983 complaint and instructions for the same.

15 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
16 dismissal of this action may result.

17 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the post dismissal
18 motion for relief for vacated time served (ECF No. 1), but shall not file it at this time.

19 19th

20 DATED: This _____ day of February, 2016.

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22 _____
23 United States Magistrate Judge
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